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# Report of the Secretary-General on Children and Armed Conflict in Burundi

*Summary*

This report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). It is presented to the Security Council and its Working Group on children and armed conflict as the first report on Burundi from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution. The report, which covers the period from August 2005 to September 2006, provides information on compliance and progress in ending the recruitment and use of children and other grave violations being committed against children in armed conflict situations in Burundi and outlines progress achieved in that regard. Despite the substantial progress achieved in addressing the grave violations of children's rights detailed in resolution 1612 (2005), violations are still occurring and the competent authorities have not always conducted criminal investigations nor punished those responsible. Violations of children's rights were reported in the provinces where there was armed conflict during the reporting period. The report explicitly identifies the parties to the conflict responsible for serious violations, including the Parti pour la libération du peuple hutu-Forces nationales de libération (PALIPEHUTU-FNL), the Burundi National Defence Force (FDN), the National Intelligence Service (SNR) and the Burundi National Police.

During the preparation of this report, a Comprehensive Ceasefire Agreement was signed on 7 September 2006 at Dar-es-Salaam between the Government of Burundi and Agathon Rwasa's FNL, the last active rebel movement. While implementation of the ceasefire remains a major challenge, its signing constitutes a major step forward in the Burundi peace process and could mark the end of armed clashes in the country. In implementing the ceasefire agreement and subsequently demobilizing the FNL combatants, priority needs to be given not only to demobilizing children to allow them to be immediately reunited with their families and reintegrated into their communities, but also to releasing the children currently detained by the Government and accused of collaborating with FNL.

The report contains a series of recommendations with a view to securing strengthened action for the protection of war-affected children in Burundi and preventing any action which could affect their rights after the signing of the Agreement.

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## I. Introduction

1. This report outlines the progress achieved from August 2005 to September 2006 with respect to the protection of children involved in armed conflict and identifies the serious violations committed against them in Burundi. It takes into account developments in the situation during the period under review and reflects the challenges that lie ahead and the progress made in Burundi to redress the violations of children's rights referred to in Security Council resolution 1612 (2005). The report identifies parties to the conflict responsible for several categories of serious violations, including violence to life, maiming and causing bodily harm, the recruitment and use of children in armed groups, kidnapping and illegal detention of children accused of being members of armed groups, or members of PALIPEHUTU-FNL in this instance, and sexual violence during armed conflict. The main source of information for this report is the cases identified by the Human Rights Division of the United Nations Operation in Burundi (ONUB) and reviewed by members of the Working Group. However, a comprehensive picture of the situation cannot be presented because of difficult access to some parts of the country and sometimes to some places of detention and the fact that ONUB human rights observers are not deployed throughout the country.

## II. Political, military and social situation

2. Burundi is gradually emerging from 12 years of civil war that resulted in hundreds of thousands of casualties and major internal and external population displacement. Burundi, which has a population of about 7.3 million, is one of the poorest countries in the world. More than 50 per cent of the population is comprised of children and young people below 18 years of age.

3. The Burundi peace process initiated in 1998 by the neighbouring States under the informal Regional Initiative for Peace in Burundi and facilitated by Julius Nyerere, the late President of the United Republic of Tanzania, who was subsequently replaced by Nelson Mandela as facilitator, went through several phases, culminating in the signing of the Arusha Peace and Reconciliation Agreement for Burundi in August 2000. The Agreement was the starting point of a political transition during which the Conseil national pour la défense de la démocratie-Forces de défense de démocratie (CNDD-FDD) joined the peace process upon the signing of a comprehensive ceasefire agreement in 2003. The Agreement marked the cessation of hostilities throughout much of the country.

4. Pursuant to the Arusha Agreement, the country has undergone a democratic electoral process which led to the adoption of a new Constitution on 28 February 2005 and the establishment of new state institutions. The newly-elected President, Pierre Nkurunziza, of CNDD-FDD, took office on 26 August 2005, bringing a three-year period of transition to an end.

5. As a result of continuing hostilities by Agathon Rwasa's FNL, the last active rebel movement, the Government of Burundi undertook negotiations under the Regional Initiative with FNL which culminated in the signing of a Comprehensive Ceasefire Agreement on 7 September 2006.

6. During the period under review, the general human rights situation was characterized by allegations of summary and extrajudicial executions and continuing

arbitrary arrests and detentions of civilians and members of civil society by the Burundian authorities.

7. The Burundi National Defence Force (FDN), the Burundi National Police, the National Intelligence Service and members of the FNL armed group have been accused of violating children's rights. While Agathon Rwasa's FNL and Jean Bosco Sindayigaya's dissident movement continued the forced recruitment of children, the Government illegally detained scores of children accused of being members of armed groups, or suspected members of FNL in this instance.

8. While there has been some improvement in the security situation, the proliferation of arms among civilians continues to be of great concern. According to a study by the United Nations Development Programme (UNDP), about 100,000 households in the country have small arms and light weapons for self-defence, resulting in a high crime rate, accidents (for example in July, a child was seriously wounded after stepping on a grenade) and more wanton acts of violence by civilians.

9. In the period under review, the strategic economic recovery and poverty reduction framework paper was reviewed as part of an expanded consultation process with the communities, civil society, donors and the United Nations system. This document will cover the period 2006-2008. Its aims include strengthening peace through the continuation of the programme for the demobilization, disarmament and reintegration of former combatants; the professionalization of the defence and security forces; the disarmament of the civilian population; and combating the proliferation of small arms and light weapons.

10. On the social front, the Government has undertaken a number of reforms geared towards improving the welfare of children, including the introduction of free primary education and free medical care for children under five years of age.

11. Although the country's humanitarian situation is improving gradually, there is still considerable food insecurity, especially in the northern provinces that have experienced several consecutive months of drought. That situation triggered a population exodus to the United Republic of Tanzania, leading children who accompanied their parents in their quest for food and work to drop out of school. From May to June 2006, about 1,600 Burundians who had been living in the United Republic of Tanzania for a long time without being recognized as refugees were expelled to Burundi. The children of mixed couples were separated from one of their parents.

12. In October 2005, the Government requested the withdrawal of ONUB. The subsequent negotiations resulted in an agreement in principle on the gradual withdrawal of ONUB. The withdrawal of the peacekeeping mission troops began in January 2006 and will end on 31 December 2006. In order to provide coherent support to Burundi in its efforts to consolidate peace, the Security Council adopted on 30 June 2006, resolution 1692 (2006) on the establishment of the United Nations Integrated Office in Burundi, commencing in January 2007.

## III. Grave violations of children's rights

13. ONUB identified over 300 cases of child victims of grave violations such as those described in resolution 1612 (2005) during the period from August 2005 to

July 2006. The alleged perpetrators are members of FNL, FDN troops, officers of the Burundi National Police and National Intelligence Service.

## Murder and mutilation of children

14. In the period under review, the security situation was characterized by renewed clashes between FDN and FNL, mainly in the north-western provinces of Cibitoke, Bubanza and Bujumbura Rural. The populations of these provinces have suffered armed attacks, looting and destruction of homes, property and livestock at the hands of FNL. In 2006, 107 cases of attacks and looting by FNL were reported. According to ONUB records, 19 children were killed and 38 were wounded. Some of these violations occurred in the course of clashes between FDN and FNL or during instances of looting by FNL, while others were perpetrated in a targeted manner. Following are some examples.

15. On 14 October 2005, in the district of Muruta, Province of Kayanza, a 6-year-old child was shot and killed and two homes were burned during a clash between FNL fighters and FDN personnel.

16. On the night of 22 November 2005, a 16-year-old boy, after being held in detention for a week at the National Registry,[1] was taken to the district of Kinama, Bujumbura Mairie, and killed. The crime can be traced to agents of the National Registry. To date, however, none of the alleged perpetrators have been brought to justice.

17. On the evening of 24 December 2005, in the district of Kanyosha, Province of Bujumbura Rural, FNL members allegedly abducted a man and a woman, as well as a child who was with them. They were accused of collaborating with soldiers and the Administration. Their bodies were found two days later, bound and buried in a common grave, at about 1 kilometre from their home. ONUB human rights observers reported this case to the Judicial Police Commissioner and the Prosecutor of the High Court of Bujumbura Rural Province on 22 February 2006. No details have been received on how the authorities have followed up on the matter.

18. On 22 January 2006, in the district of Kanyosha, Province of Bujumbura Rural, a 14-year-old student was allegedly shot and wounded during a gunfight between FDN and FNL. She reportedly died the next day as a result of her injuries. No one has been arrested for this killing.

19. On the night of 2 June 2006, on Mubanga colline in Gitega Province, an 18-year-old woman and her 18-month-old child were allegedly shot and killed by FDN personnel who were pursuing alleged FNL members. According to information received by the human rights observers, FDN personnel went to the home of the victim, whom they suspected of harbouring FNL members. When the soldiers failed to find any FNL fighters, they allegedly opened fire on the victims and killed the young woman and her child. The case was closed by the local police because no suspects were identified.

[1] On 6 March 2006, the National Registry became the National Intelligence Service (SNR).

## Abduction and illegal detention of children

20. During the period under review, over 100 cases of arbitrary or illegal detention were recorded by ONUB. This total includes 25 children alleged to be former FNL combatants who are being held by FDN at the site of the former demobilization centre at Randa, as well as other cases of illegal detention by the State of minors accused of participating in armed gangs, in this case with FNL. The ONUB human rights observers have recorded at least 12 cases of illegal detention of minors accused of participating in armed gangs. In two of these cases, the legally allowable time period for police custody was exceeded; in 10 cases, minors were illegally detained at military bases. In addition to being illegal, these detentions have been marked by unhealthy conditions, lack of proper care, lack of recourse to prompt, appropriate legal assistance, overpopulation and the failure to separate children from adults. Moreover, the detainees' legal status is generally unclear, and some of them are imprisoned while others are awaiting a possible demobilization programme. International actors, despite their repeated calls for action, are still waiting for a decision by the Government.

21. A number of mutually corroborating testimonies have pointed to the probable use of some of these children as guides and informers for Government military operations, sometimes under coercion and often at the risk of their own safety and well-being.

22. On 3 April 2006, ONUB observers noted the presence of 13 detainees alleged to be members of the FNL movement in the Police de sécurité intérieure (Internal Security Police) *cachot* (punishment cell) in Kayanza. Among them was a boy of about 13 with psychological problems, serious wounds on his legs and swelling in his feet due to the small size of the jail cell.

23. In mid-April the Government of Burundi opened a centre on the site of the former demobilization centre at Randa, Province of Bubanza, to accommodate combatants belonging to Agathon Rwasa's FNL who had surrendered to the authorities or had been captured. Among the more than 400 detainees are 25 minors between the ages of 15 and 17, who, despite numerous interventions on the part of ONUB, the United Nations Children's Fund (UNICEF) and the international community, have not been separated from the adults. The Government has not yet defined their legal status and they are not allowed to leave Randa without authorization from the camp commander. While most of them surrendered voluntarily to military or police authorities, a small number seem to have been captured. Despite the international community's many attempts to intervene, these children have spent five months in detention at Randa without being officially identified as child soldiers, without being separated from the adult detainees and without having access to services suitable for children or to assistance for their reintegration.

24. On 14 June 2006, a 16-year-old boy was allegedly beaten and then abducted by FDN personnel from the military base at Isabu, located near the Rukoko forest. The boy had reportedly refused to give a ride, on his bicycle, to one of the soldiers whom he had encountered on the road. The latter allegedly began to beat him, then took him to the military base. According to local residents, this boy was not a member of FNL, but the soldiers reportedly made him wear a military uniform and forced him to name other alleged FNL collaborators. On 29 June, human rights

observers sought to free the boy, but the FDN commander at the Isabu base refused to do so.

## Recruitment and use of children in armed forces and groups

25. ONUB has recorded 67 cases of recruitment since January 2006. It appears that FNL recruitment has taken place in the provinces of Bujumbura Mairie, Bujumbura Rural, Bururi, Bubanza and Makamba. In June and July 2006, there were 37 reports of recruitment in 14 districts. This expansion in recruitment is probably linked to the peace negotiations and to the prospect of rapid demobilization "promised" to the new recruits. About a third of the reports concerned cases of children who had been recruited individually, while the other reports came from the authorities and from NGOs that have documented recruitments without indicating how many children were recruited. It has been difficult to verify this information on the recruitment of children because of the sensitivity of the issue and the risk that it entails for the lives of the investigators and informers. In most of the cases reported, the alleged recruiters were members of Agathon Rwasa's FNL, although, in one case, the recruiter belonged to Jean Bosco Sindayigaya's FNL faction. According to information received by ONUB and its partner child protection agencies, recruitment has averaged from 3 to 10 male children per month, including street children in Bujumbura Mairie Province. Mention has also been made of recruitment through raids on schools or districts by FNL militants.

26. A 15-year-old boy told ONUB that he had voluntarily joined the movement in 2004 with four other boys because they had been promised cars and other luxury goods. He had the rank of "soldier" and was in charge of transporting munitions. He and another colleague were reportedly captured in December 2005 by FDN officers. They were carrying two grenades. They were held at a military camp for five months, where the soldiers reportedly beat them the first two days to make them tell where they were concealing weapons and where the other FNL members were hiding.

27. During the week of 12 to 18 June 2006, in the Gatete area of the commune of Rumonge (Bururi province), an unknown number of children are reported to have been recruited by FNL. Apparently the children agreed to be recruited because they thought they could join the national army or receive demobilization pay if a ceasefire agreement were signed between FNL and the Government. The police investigated the case with the aim of arresting the recruiters.

28. In May 2006, two young men, aged 20 and 21, were detained in Bujumbura Mairie and accused of recruiting for FNL. They were accompanied by a 12-year-old boy, who was presumably a new recruit. The boy was freed. The two alleged recruiters were interrogated and were reportedly beaten by the police to obtain information on members of the Jeunesse Populaire Hutu in the neighbourhoods. When they were set free, they told ONUB observers that they had recruited children.

## Serious sexual violence

29. The capital and the 17 provinces of Burundi are fraught with sexual violence. The victims vary in age from a few months to 17 years. Although the victims are mostly girls, some boys have also reportedly been attacked. From August 2005 to

July 2006, ONUB investigations have turned up more than 300 cases of girls having been raped, 16 of which were attributed to FDN soldiers. These cases are only the ones that were reported to the authorities. Burundian officials and child protection workers recognize that these represent only part of the real problem of sexual violence against girls. Most cases of rape are not reported, while a number of cases have supposedly been "solved" by "amicable settlement", with the offender giving money to the victim's family or with the arrangement of a marriage between the victim and the perpetrator. Only a few offenders are arrested, and even fewer are actually prosecuted. Nonetheless, there have been some improvements during the period under review. We have noted that more sexual offenders are being arrested and punished. This may be due to both systematic follow-up by human rights workers and awareness-raising campaigns.

30. On 12 January 2006, in the commune of Musigati (Bubanza province), a little three-year-old girl was reportedly raped by a FDN soldier from the Kayange base. The ONUB human rights observers submitted the case to the Military Prosecutor's Department (*Auditorat militaire*). The accused was arrested and transferred on 31 January to Bubanza prison. The case is being investigated by the competent authorities.

31. On 29 January 2006, in Rutana province, a 15-year-old girl pupil was raped. The alleged offender is an officer of the Internal Security Police. He is currently being detained at Rutana prison, awaiting trial.

32. On the night of 5 February 2006, in the commune of Kanyosha (Bujumbura Rural province), a 14-year-old girl was abducted and raped by FDN soldiers. She returned home the next day and was taken to Bujumbura for medical treatment. ONUB staff strongly recommended that the judiciary police should open an inquiry and seek testimony from an expert. ONUB transferred the case to the prosecutor attached to the High Court and to the judicial police commissioner of Bujumbura Rural province on 22 February 2006.

33. On the night of 7 May 2006, in the Commune and Province of Bubanza, a 12-year-old girl was reportedly raped, in the presence of a group of male civilians, by an FDN soldier on leave. The accused was arrested and his file was transmitted to the Military Prosecutor's Department (*Auditorat militaire*).

## Attacks on schools and hospitals

34. In the period under review, no attacks on schools or hospitals by armed men were reported.

## Denial of humanitarian access

35. In the period under review, no cases of armed groups preventing humanitarian access were reported. However, because of the lack of security in the provinces of Bujumbura Rural, Cibitoke and Bubanza, which resulted in a Phase 4 security alert, it is difficult for ONUB staff in charge of protecting children and defending human rights to have access to these areas and conduct inquiries on serious violations of children's rights, since they must be escorted by the military. ONUB human rights observers were denied access to the *cachots* (punishment cells) of the Internal

Security Police in Bujumbura from 14 October to 22 November 2005. Access to military bases and some police *cachots* is still being denied.

## IV. Dialogue and action plans against violations of children's rights

### Recruitment and use of children in armed forces and groups

36. Burundi ratified the Convention on the Rights of the Child on 19 October 1990 and signed the Optional Protocol to the Convention on the involvement of children in armed conflict on 13 November 2001. The Optional Protocol was ratified on 18 January 2005. The authorities have not yet adopted national legislation to criminalize the recruitment and use of child soldiers. The United Nations urges the Government to incorporate the international child protection instruments into its national law as soon as possible.

37. In the period under review, the National Structure for Child Soldiers, with the technical and financial assistance of UNICEF and the World Bank/Multi-Country Demobilization and Reintegration Programme (MDRP), was responsible for the demobilization, reintegration and recruitment prevention project. On 30 June 2006, when MDRP funding ended, the project was transferred to the Executive Secretariat/national demobilization, reinsertion and reintegration programme, and activities are being pursued to prevent the recruitment of child soldiers and to implement the demobilization and reintegration of child members of FNL.

38. From November 2003 to July 2006, the demobilization, reintegration and recruitment prevention project has helped to free and reintegrate 3,013 children who had been formal members of armed forces and other armed groups and *gardiens de la paix* (community-based militia). Of the children who were reintegrated, 599 returned to school. About 1,800 children received occupational training. Most of the children, however, returned to farming and fishing in their local communities. Health care was provided for children with special needs. From April to August 2006, each reintegrated child was seen by a general practitioner for a routine health check-up, while group and individual meetings were held to provide psychosocial support in the context of social reintegration.

39. As part of the process of negotiations between the Government of Burundi and FNL, led by the regional facilitation team, the United Nations drew stakeholders' attention to the need to take special measures to protect child victims of the conflict. As a result, a paragraph dealing with the demobilization of children was added to the Dar-es-Salaam Comprehensive Ceasefire Agreement of 7 September 2006. During the negotiations, the ONUB facilitators demanded an immediate halt to the recruitment of child soldiers; this demand has gone unheeded, however, as shown by the rise in the number of children recruited during the months preceding the signing of the ceasefire agreement.

40. ONUB, UNICEF and a number of non-governmental human rights organizations have unsuccessfully urged many governmental departments and ministries to ensure the release of children — supposedly former FNL combatants or collaborators — who are being held in custody at Randa and other State detention centres. ONUB has sent two notes verbales, dated 18 May 2006 and 9 August 2006,

to the Government, requesting clarification of the situation of children at Randa, but it has not yet received a reply.

## Sexual violence

41. In the period under review, the United Nations Development Fund for Women (UNIFEM), in collaboration with UNICEF, the United Nations Population Fund (UNFPA) and with the support of the United States Agency for International Development (USAID), began to develop a subregional strategy for the prevention of violence against women to be implemented in the countries of the subregion currently affected by conflict, namely, Burundi, the Kivu region in the Democratic Republic of the Congo, the United Republic of Tanzania and Uganda.

42. Over 60 per cent of the victims of rape are under 18, with the majority being under 15. It is still very difficult to reintegrate the victims of sexual violence. It is therefore necessary to continue and strengthen awareness-raising and training activities for security and police officers in order to bring about a change in behaviour and culture with respect to violence against women. ONUB hired a police consultant to assist with the drafting of standard operating procedures for the Burundi National Police in order to provide assistance and support to victims of sexual violence.

43. A network against sexual violence has been in place since 2003. It includes representatives of the ministries of Justice, Public Health and Social Welfare, now part of the Ministry of National Solidarity, Human Rights and Gender; United Nations agencies; the International Committee of the Red Cross (ICRC); ONUB; international and local NGOs; donors; and civil society.

44. As a result of the concerted action of the network against gender-based violence, a sixteen-day national awareness-raising campaign on violence against women is conducted annually. As a result of those campaigns, victims are more encouraged to visit health centres and an increased number of rapes have been reported to the National Police. Despite the increased awareness among officials at all levels and improvements, there is still impunity and fewer cases of assault are reported than are known.

## Small arms and light weapons

45. About 100,000 households reportedly own small arms and light weapons. The national strategy document is expected to precisely define the role of government actors, establish a national firearms register to be maintained by the police and put in place a system for gathering information on armed violence. As a result, situation reports may be prepared specifically on violence against children and other vulnerable persons. On 29 April 2006 a technical commission on the disarmament of civilians was established. Its role will be to assist the Government in designing and implementing a national policy on that subject that would reflect the post-crisis environment and the need to give priority consideration to vulnerable people.

## V. Recommendations

46. I urge all the parties to take all necessary steps to proceed with negotiations towards a final peace agreement, stop recruiting children without any precondition and immediately undertake to and fully demobilize all children. Those found to have enrolled or used children in conflicts should be dealt with. I urge the Government to commit more human and financial resources to strengthen the capacities of military prosecutors and other officers of the court.

47. I urge the Government to separate the children in the Randa demobilization camp and in all the other State detention centres from the adults and to transfer them to centres where they can receive appropriate care. The transfer to such centres will facilitate the reunification of these children with their families and their reintegration into their communities.

48. I strongly urge Burundi Government soldiers and security forces to stop using children to help them locate and identify FNL combatants and sympathizers.

49. I also call on the Burundian Government to grant unfettered access, for child protection purposes, to all military, security and police detention centres and to cooperate with the United Nations country team and child protection partners.

50. I urge donors to make long-term commitments and to adopt more systematic approaches to child protection programmes.

51. I am particularly concerned at the considerable number of instances of sexual violence against very young girls and stress the urgency for the Burundian authorities to enact and enforce legislation against sexual violence, carry out thorough investigations and bring those guilty to justice.

52. I also urge the Government to ensure that the justice mechanisms provide protection to witnesses and victims of human rights violations, especially in the case of children, and provide sufficient support to the police, judicial and military authorities to enable them to discharge their investigatory and witness protection duties.

53. I urge the Government of the Republic of Burundi to provide comprehensive high quality training to police and security personnel in order to prevent any excessive or unlawful use of force which may lead to grave violations of children's rights, including the recruitment and use of child soldiers and illegal detentions.

54. My Special Representative for Children and Armed Conflict, Ms. Radhika Coomaraswamy, will shortly undertake a mission to Burundi to draw the attention of the Government and its partners in the United Nations system and civil society to the need to make the protection of children one of the post-transition priorities. She will also call on the last active armed movement to begin releasing as soon as possible all the children associated with the movement irrespective of developments in the peace process.